

EXHIBIT E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JOINT STOCK COMPANY CHANNEL ONE :
RUSSIA WORLDWIDE, et al., :
: 16-CV-01318 (GBD)
Plaintiffs, :
v. : February 9, 2018
:
INFOMIR LLC, et al., : 500 Pearl Street
: New York, New York
Defendants, :
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TRANSCRIPT OF CIVIL CAUSE FOR DISCOVERY CONFERENCE
BEFORE THE HONORABLE BARBARA C. MOSES
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 THE COURT: So you've objected to everything and
2 asked defendants to narrow. You have not proposed anything
3 that you believe would be reasonable to produce. Isn't it
4 kind of your turn?

5 MR. BLAUSTEIN: There are -- we have identified some
6 specific documents. So for instance, Judge Daniels, affirming
7 your order, has already determined that we own the channels
8 and we own the relevant [inaudible] in the network.

9 THE COURT: Footnote on that, please do not assume
10 that you are entitled to use that default judgment made
11 without any actual litigation of the merits as if it were a
12 merits determination binding on non-defaulting defendants.

13 MR. BLAUSTEIN: Very good, Your Honor. So if for
14 instance there was a contention that we do not own these
15 channels or that we do not have any rights to broadcast them
16 or that we don't broadcast them via satellite perhaps we
17 could, as you've suggested to counsel for defendants, produce
18 some but not every shred of information concerning the --

19 THE COURT: But you're the plaintiff. It is your
20 burden to establish through admissible evidence every element
21 of each of your claims.

22 MR. BLAUSTEIN: Yes.

23 THE COURT: Not just to respond to, I don't know,
24 problems that the defendants had. It's not their job to say,
25 hmm, you know, here's the reason we think you don't own that

1 channel. You have to show that you own it.

2 MR. BLAUSTEIN: I understand that, Your Honor. And
3 in our summary judgment papers, we included in sworn testimony
4 as to what the clients do. But if there was a --

5 THE COURT: No, you didn't actually. But we're not
6 arguing summary judgment today.

7 MR. BLAUSTEIN: If there is an -- a reasonable
8 attempt to narrow the request towards any meaningful defense
9 that the -- or any defense that the defendants have we're
10 ready, able, and willing to listen. And we will try and
11 accommodate them.

12 THE COURT: I think you're looking at this from the
13 wrong end, Mr. Blaustein. You're the plaintiff. You have the
14 burden. You have to support your allegations with evidence,
15 all of them.

16 UNIDENTIFIED: Your Honor, if I could just bring to
17 the Court's attention from one example. No. 12, and
18 unfortunately the pages are not -- are not numbered, but
19 Docket Request No. 12. "Provide any documents which set forth
20 the trademark and copyright registration by name, registration
21 number, and governing jurisdiction that broadcasters claim
22 ownership of and which form the basis for the allegations in
23 the complaint." There's no narrowing necessary in a claim for
24 trademark and copyright infringement, I'm asking you what
25 copyrights, what trademarks. There are -- and look at the

1 objection, "Overbroad, duplicative, and beyond the scope"?

2 What is -- what possible good faith basis could there be for
3 interposing that objection?

4 MR. BLAUSTEIN: Your Honor, our pleading doesn't
5 allege that any of these marks are registered here in the
6 United States.

7 THE COURT: In that case, isn't the proper response
8 we don't have any?

9 MR. BLAUSTEIN: Perhaps.

10 THE COURT: But instead you objected on the grounds
11 that counsel just repeated and then said you quote, "Intend to
12 produce responsive documents." What responsive documents do
13 you intend to produce?

14 UNIDENTIFIED: Also, that's trademarks.

15 THE COURT: One at a time. Mr. Blaustein.

16 MR. BLAUSTEIN: Whatever documents that we have that
17 are perhaps relevant to the issue of a trademark or a
18 copyright use or something to that effect. Perhaps it's the
19 use of the logos on the websites. Perhaps it's the use of
20 them in the --

21 THE COURT: No, no, no. This is a very specific
22 question. Documents which set forth trademark and copyright
23 registration. If you are not contending that any of the
24 copyrights or trademarks which you contend defendants
25 infringed were registered then just say so.